

REMARKS

Claim 12 has been amended to more clearly recite the structure of the fuel cell and electrodes, and to correct for lack of antecedent basis. Support for amended Claim 12 can be found in paragraphs [0010]-[0013] and [0027]. Claims 15-17 have been added. Support for Claim 15 can be found in paragraph [0007]. Support for Claim 16 can be found in Figs. 1-3. Support for Claim 17 can be found in paragraph [0013]. Upon entry of this Amendment, which is respectfully requested, Claims 1-17 will be pending.

Response to Claim Rejections Under 35 U.S.C. § 112

Claim 12 is rejected under 35 U.S.C. § 112, second paragraph, as being indefinite.

As noted, Claim 12 has been amended to correct for the lack of the antecedent basis. Accordingly, withdrawal of the rejection is respectfully requested.

Response to Claim Rejections Under 35 U.S.C. §§ 102 and 103

Claims 1, 2 and 7-10 are rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Choichi et al. (JP-05041221). We note that claim 11 is also rejected under 35 U.S.C. § 102(b) based on the Examiner's analysis in the last full paragraph at page 3 of the Office Action.

Claims 3-6, 12 and 14 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Choichi as applied to claims 1 and 11, and further in view of Kinkelaar et al. (U.S. Patent Application Publication No. 2004/0191605).

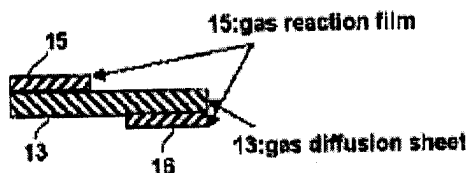
Claims 11-14 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Maeda (U.S. Patent Application Publication No. 2004/0086762) and further in view of Choichi and Kinkelaar.

Applicants respectfully traverse.

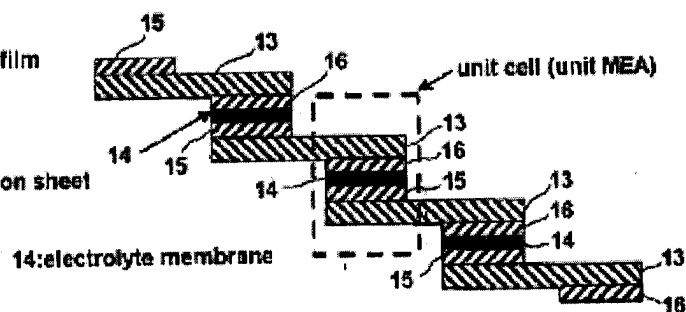
The present claims relate to a single, solid electrolyte membrane associated with a plurality of first electrodes and a plurality of second electrodes. Further, due to the presently claimed configuration in which the electroconductive member is connected to the fuel electrodes and the oxidant electrodes without using a current collecting plate, the present invention has the advantages of the smaller size, smaller thickness and feasibility of arrangement. *See*, Claims 1 and 11, and paragraph [0009].

In contrast, Choichi discloses a single, solid electrolyte membrane is associated with a single first electrode and a single second electrode. More particularly, Fig. 1A, below, illustrates the base structure of the fuel cell disclosed in Fig. 3 of Choichi, and Fig. 1B, below, illustrates the combined structure disclosed in Fig. 1 of Choichi.

**【FIG.1A】
BASIC STRUCTURE**



**【FIG.1B】
COMBINATION STRUCTURE**



Thus, Choichi fails to disclose or suggest a single, solid electrolyte membrane associated with a plurality of first electrodes and a plurality of second electrodes, as presently claimed. Maeda and Kinkelaar fail to make up for this deficiency.

Regarding added Claims 15-17, Claims 15 and 16 are patentable at least by virtue of their dependence from Claim 1. Claim 17 is patentable at least by virtue of its dependence from Claim 11.

Accordingly, Choichi, Maeda and Kinkelaar fail to anticipate or render obvious the present claims. Withdrawal of the rejections is respectfully requested.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

/Howard L. Bernstein/

Howard L. Bernstein
Registration No. 25,665

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Date: February 25, 2009